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4 MICHAEL CEVALLOS,
5 Plaintiff,

6 v.
7 OFFICE OF COUNTY COUNSEL, et al.,
8 Defendants.

9
10 Case No. 15-cv-01801-EDL
11

**12 ORDER DISMISSING COMPLAINT
13 WITH PREJUDICE**

14 Re: Dkt. No. 9
15

16 Plaintiff Michael Cevallos filed his complaint and Application to Proceed In Forma
17 Pauperis (“IFP Application”) on April 21, 2015. On April 24, 2015, this Court GRANTED
18 Plaintiff’s IFP Application but reserved its determination of compliance with 28 U.S.C. §
19 1915(e)(2)(B). On April 30, 2015, Plaintiff consented to magistrate judge jurisdiction pursuant to
20 28 U.S.C. § 636(c).¹ On May 7, 2015, this Court dismissed the complaint with leave to amend,
21 noting that “Plaintiff’s complaint does not make any clear claims against any Defendant and is
22 largely unintelligible” and instructing Plaintiff that any amended complaint “should clearly state
23 Plaintiff’s factual allegations and make it plain which allegations and causes of action relate to
24 which defendants.” (Dkt. 7 at 2.) On May 27, 2015, Plaintiff filed an amended complaint. For
25 the reasons set forth below, Plaintiff’s amended complaint is dismissed with prejudice.

26 Under 28 U.S.C. § 1915(a), “[a]ny court of the United States may authorize the
27 commencement . . . of any suit . . . without prepayment of fees and costs or security therefor, by a
28 person who makes affidavit that he is unable to pay such costs or give security therefor.” The

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1 court may dismiss a case sua sponte if the court determines that the party applying for in forma
2 pauperis status has filed a frivolous action or that the action fails to state a claim on which relief
3 may be granted. 28 U.S.C. § 1915(e)(2); Jackson v. Arizona, 885 F.2d 639, 640 (9th Cir. 1989).
4 Dismissal on these grounds is often made sua sponte prior to the issuance of process, so as to spare
5 prospective defendants the inconvenience and expense of answering such complaints. Neitzke v.
6 Williams, 490 U.S. 319, 324 (1989).

7 Plaintiff's amended complaint is still unintelligible and does not state any cognizable
8 claims against any Defendant. See Fed. R. Civ. P. 8(a)(2) (a complaint must contain a "short and
9 plain statement of the claim showing that the pleader is entitled to relief"). Leave to amend would
10 be futile, so the Court dismisses the amended complaint with prejudice and without leave to
11 amend.

12 **IT IS SO ORDERED.**

13 Dated: June 8, 2015

14
15 
16 ELIZABETH D. LAPORTE
17 United States Magistrate Judge